

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 18008

Application 24570 of Mt. Charlie Water Works, Inc.

23865 Mt. Charlie Road, Los Gatos, California 95030

filed on March 4, 1974, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

4, A, B Unnamed Stream
1, 2, 3 Miller Creek
C, D, 6 Unnamed Streams (2)
5 Mountain Charlie Gulch

Miller Creek
Zayante Creek
Mountain Charlie Gulch
Zayante Creek thence
San Lorenzo River thence

Pacific Ocean

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridan
(see addendum #1)					

County of Santa Cruz

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridan	Acres
(see addendum #2)						

The place of use is shown on map filed with the State Water Resources Control Board.

ADDENDUM #1

2. Location of Point of Diversion	40 Acre-subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridan
<u>DIRECT DIVERSION</u>					
(1) N300 Ft. and E300 Ft. from SW Corner of Section 17	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	17	9S	1W	MD
<u>DIRECT DIVERSION AND DIVERSION TO OFFSTREAM STORAGE</u>					
(2) N4500 Ft. and W100 Ft. from SE Corner of Section 19	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	19	9S	1W	MD
<u>DIRECT DIVERSION AND DIVERSION TO OFFSTREAM STORAGE</u>					
(3) N2800 Ft. and W1800 Ft. from SE Corner of Section 19	SW $\frac{1}{4}$ of NE $\frac{1}{4}$	19	9S	1W	MD
<u>DIRECT DIVERSION AND DIVERSION TO OFFSTREAM STORAGE</u>					
(4) N2800 Ft. and E500 Ft. from SW Corner of Section 20	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	20	9S	1W	MD
<u>DIRECT DIVERSION AND DIVERSION TO OFFSTREAM STORAGE.</u>					
(5) N1000 Ft. and E2300 Ft. from SW Corner of Section 20	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	20	9S	1W	MD
<u>DIRECT DIVERSION, STORAGE AND REDIVERSION</u>					
(6,D) N700 Ft. and E700 Ft. From SW Corner of Section 29	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	29	9S	1W	MD
<u>STORAGE AND REDIVERSION</u>					
(A) N3000 Ft. and W1450 Ft. From SE Corner of Section 19	SW $\frac{1}{4}$ of NE $\frac{1}{4}$	19	9S	1W	MD
<u>OFFSTREAM STORAGE AND REDIVERSION</u>					
(B) N2850 Ft. and W200 Ft. from SE Corner of Section 19	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	19	9S	1W	MD
<u>STORAGE AND REDIVERSION</u>					
(C) N200 Ft. and E2000 Ft. from SW Corner of Section 20	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	20	9S	1W	MD

ADDENDUM #2

3. Purpose of Use:	4. Place of Use:	Section	Town- ship	Range	Base and Meridian	Acres
Fire Protection						
Recreational	Reservoir A in SW $\frac{1}{4}$ of NE $\frac{1}{4}$	19	9S	1W	MD	
	Reservoir B in SE $\frac{1}{4}$ of NE $\frac{1}{4}$	19	9S	1W	MD	
	Reservoir C in SE $\frac{1}{4}$ of SW $\frac{1}{4}$	20	9S	1W	MD	
	Reservoir D in SW $\frac{1}{4}$ of SW $\frac{1}{4}$	29	9S	1W	MD	
Domestic		S $\frac{1}{2}$	17	9S	1W	MD
		SE $\frac{1}{4}$	18	9S	1W	MD
		E $\frac{1}{2}$	19	9S	1W	MD
		W $\frac{1}{2}$	20	9S	1W	MD
			29	9S	1W	MD

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 3,000 gallons per day by direct diversion from January 1 to December 31 of each year for domestic purposes and a total of 25 acre-feet per annum to be collected from December 1 of each year to May 1 of the succeeding year follows: (1) 0.5 acre-feet per annum in Reservoir A, (2) 9 acre-feet per annum in Reservoir B, (3) 0.5 acre-feet per annum in Reservoir C, (4) 15 acre-feet per annum in Reservoir D. The total amount of water to be taken from the sources shall not exceed 27 acre-feet per water year of October 1 to September 30.

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

The maximum rate of diversion to offstream storage shall not exceed 0.1 cubic feet per second. (000 000 5)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (000 000 6)

7. Construction work shall be completed on or before December 1, 1983. (000 000 8)

8. Complete application of the water to the proposed use shall be made on or before December 1, 1984. (000 000 9)

9. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (000 00 10)

10. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (000 00 11)

11. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (000 00 12)

12. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (000 00 13)

13. Permittee shall not exercise any other existing right to the use of water named herein so long as this permit or any license issued pursuant thereto remains in effect. (000 0021)

14. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion. (000 0022)

15. No diversion from Miller Creek or its tributaries shall reduce the flow in Miller Creek to less than 0.02 cfs, measured near the water company's service area boundary. (000 0900)

16. No diversion from Mountain Charlie Gulch or its tributaries shall reduce the flow of Mountain Charlie Gulch to less than 0.02 cfs, measured near the water company's service area boundary. (000 0900)

17. For the protection of fish and wildlife, permittee shall during the period April 1 through October 31 bypass a minimum of 0.01 cubic foot per second past the furthest downstream diversion point of both Miller Creek and Mountain Charlie Gulch. The natural flow shall be bypassed whenever it is less than 0.01 cubic foot per second. (014 0060)

18. No water shall be diverted under this permit until permittee has installed devices, satisfactory to the State Water Resources Control Board, which are capable of measuring the flows required by the conditions of this permit. Said measuring devices shall be properly maintained. (006 0062)

19. In accordance with Section 1603 and/or Section 6100 of the Fish and Game Code, no water shall be diverted under this permit until the Department of Fish and Game has determined that measures necessary to protect fishlife have been incorporated into the plans and construction of such diversion. The construction, operation, or maintenance costs of any facility required pursuant to this provision shall be borne by the permittee. (000 0063)

20. Permittee shall install and maintain fish screens at each point of diversion pursuant to Section 6100 of the Fish and Game Code. (040 0500)

21. The total simultaneous instantaneous rate of direct diversion under this permit together with that authorized pursuant to Applications 23732 and 22905 shall not exceed 15 gallons per minute. (000 0114)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated:

AUGUST 26 1980

STATE WATER RESOURCES CONTROL BOARD

Walter B. Pettit
Chief, Division of Water Rights